

University of Michigan case regarding the constitutionality of affirmative action in higher education is decided by the en banc 6th Circuit. This case is considered the affirmative action case most likely to go to the Supreme Court. Rumors have been circulating that the case will be decided in the next few weeks. The thinking is that the current 6th Circuit will sustain the affirmative action program, but if a new judge with conservative views is confirmed before the case is decided, that new judge will be able, under 6th Circuit rules, to review the case and vote on it.

LDF asked Senator Leahy's staff yesterday to schedule Richard Clifton, an uncontroversial nominee to the 9th Circuit, before moving Gibbons, but they apparently refused. The decision has to be made today (or by early Thursday morning) since the hearing will be noticed on Thursday.

— and I are a little concerned about the propriety of scheduling hearings based on the resolution of a particular case. We are also aware that the 6th Circuit is in dire need of additional judges. Nevertheless we recommend that Gibbons be scheduled for a later hearing: the Michigan case is important, and there is little damage that we can foresee in moving Clifton first. (It should be noted that Clifton was nominated three months before Gibbons and that Clifton's seat, and not Gibbons', has been designated a judicial emergency.) Elaine will ask that no 6th Circuit nominee be scheduled until after the Michigan case is decided. This may be too much to promise: we only have three uncontroversial circuit court nominees left and two of these are from the 6th Circuit.

Recommendation: Let Elaine know that we will ask Senator Leahy to schedule Gibbons after Clifton. Given the dearth of uncontroversial nominees, however, the Committee will probably have to hold a hearing for Gibbons on May 9th even if there's yet no decision in the Michigan case.

#### VETERAN TRIBUTE FOR COLONEL ANDREW C. OLIVO

#### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 21, 2003*

Mr. BURGESS. Mr. Speaker, I rise today to recognize the contributions and sacrifices of Colonel Andrew C. Olivo.

Colonel Andrew C. Olivo has served our country for many years in the United States Army Judge Advocate General Reserve. He was a part of the Desert Storm Conflict and Gulf War I. He has received numerous awards and medals for his services. These awards include two National Defense Service Medals and Army Commendation Medals. Colonel Olivo is also a recipient of four Meritorious Service Medals and the Humanitarian Service Medal with one service star.

At a time when we are once again at war, it is necessary to recognize the achievements of these national heroes. Due to their dedication, service, and sacrifice, they deserve our unwavering admiration and our unending gratitude.

Our country often takes for granted the freedoms and liberties our service men and women risk their lives to protect; yet by continuing to honor our veterans we preserve our nation's future by commemorating their past.

Thank you, Colonel Olivo, for your service and sacrifice. You are a true hero.

#### PAYING TRIBUTE TO DON VANDERHOOF

#### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 21, 2003*

Mr. McINNIS. Mr. Speaker, it is my honor to rise and pay tribute to my friend Don Vanderhoof. Don has served the community of Glenwood Springs, Colorado for many years. Over the last eight years, Don has held a seat on the City Council, the last two of which he served as Mayor. Don is a tremendous public servant, and a wonderful person, and it is my honor to call his many contributions to Glenwood Springs to the attention of this body of Congress and our nation.

Over the last eight years, Don was instrumental in providing leadership and guidance for many important City projects. During Don's tenure in city government, there were major additions to the resources available to the Glenwood Spring's Police, Fire, and Public Works Departments. In addition, the City added a new Community Center and City Hall, repaired the City's water delivery system, improved public transportation, and worked to maintain the hiking trails and beautiful wilderness areas surrounding the City. These are just a few of the many accomplishments in which Don Vanderhoof was involved for the betterment of the City of Glenwood Springs. There is no question that Glenwood Springs has become a better place as the result of Don's tireless dedication to its citizens.

The people of my hometown will miss having Don as a devoted public servant. However, Don does not intend to remain idle in his retirement. I know that he will remain very active in the Glenwood Springs community. Don will now have more time for the many volunteer and community service activities that he eagerly undertakes. In addition, Don will have the opportunity to spend more time with his lovely wife Eddie, and his many friends, neighbors and family members throughout town.

Mr. Speaker, it is my privilege to rise and pay tribute to Don Vanderhoof. He has dedicated many years of his life to improving the quality of life for the citizens of Glenwood Springs and has accomplished an incredible amount to that end. In addition to his public service, Don is a great family man and a dear friend to many. He is one of Glenwood Springs' most beloved citizens. Don's life is the embodiment of all that makes this country great and I consider it an honor to call him a friend. Thank you Don, for your service.

#### THE NIGHTMARE IN TURKMENISTAN

#### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 21, 2003*

Mr. SMITH of New Jersey. Mr. Speaker, November 25 will mark the one-year anniversary of events in Turkmenistan that turned that already bizarre autocracy into an even more nightmarish kingdom. According to the official version, opposition groups led by former high-ranking officials tried to assassinate Saparmurat Niyazov, the country's President-

for-Life. The attempt failed, the plotters were found, tried and imprisoned, and in the eyes of Niyazov's regime, justice has been done.

What actually happened that day is unclear. There may well have been a coup attempt against Niyazov, who has turned himself into virtually a living god. Or, as some opposition activists in exile maintain, the whole affair may have been staged by Niyazov to crack down even harder. Since no outsider has had access to those arrested in connection with the events, the truth may never be known.

Whatever happened, it is easy to understand the desperate frustration among Turkmen. Niyazov has made Turkmenistan the only one-party state in the former Soviet space, where one man decides everything, no opposition is permitted, all media are totally censored and the populace is forced to study the "rukhnama"—a dictator's rantings that purport to be a one-stop religion, national history and morality lesson.

What is clear is that Niyazov's response to November 25 has trampled on civilized norms, even if his allegations are true. In the wake of the arrests, all opposition—real or imagined—has been crushed. Quick show trials of the accused were broadcast on television, after which they received long prison sentences with no access to relatives or international organizations. Some of the opposition leaders have already died in prison. One individual who was arrested, an American citizen named Leonid Komarovsky of Massachusetts was eventually released, as a result of pressure from Washington. Upon gaining his freedom, he told the world of the horrible tortures people suffered at the hands of Turkmen security forces. The stories rival any we used to hear from the Soviet Union or Saddam Hussein's Iraq. In addition, relatives of those deemed "enemies of the people" have been targeted for persecution. The luckier ones merely are fired and thrown out of their apartments onto the streets; others have been arrested and tortured in prison or forced to watch their loved ones being tortured.

In response to this crisis, the OSCE invoked the Moscow Mechanism, a rarely-used tool to investigate particularly appalling human rights violations. But Niyazov refused to cooperate with the OSCE, whose officially designated rapporteur was denied a visa. Nevertheless, he was able to compile a comprehensive dossier of horror, which documents as well as possible without access to prisons, the mistreatment and abuse of those arrested and the persecution of their relatives. The rapporteur also forwarded to the Government of Turkmenistan recommendations to move towards reform. Niyazov has dismissed them as "offensive" and "interference in internal affairs."

Niyazov has also refused U.S. officials entry to his jails. Recently, Ambassador Stephen Minikes, head of the U.S. Delegation to OSCE visited Ashgabat, but despite his explicit request, was not allowed to check on the health of one of those arrested: former Turkmen Foreign Minister and OSCE Ambassador Batyr Berdiev. There are persistent rumors he has died in prison.

One year after the events of November 25, Saparmurat Niyazov remains in power. He continues his crackdown, and the country's downward spiral accelerates. Niyazov has reintroduced exit visas, a legacy of the Soviet past we thought had been definitively overcome. Just last week, he instituted new laws

harshly restricting freedom of religion, which is trampled upon daily in Turkmenistan; groups brave enough to meet risk home raids, imprisonment, deportation, internal exile, house eviction and even torture. The new provisions further empower regime agents to squash religious practice. Now, individuals caught more than once in a year acting on the behalf of an unregistered community can be fined between ten and thirty months of wages, or be sent to hard labor for up to one year. Of course, registration is in effect impossible to obtain, leaving religious communities and their members in a highly vulnerable position.

A recent Niyazov decree on NGO activity makes it punishable for most Turkmen to interact with foreigners. Representatives of non-Turkmen ethnic groups, such as Uzbeks or Russians, face discrimination in education and employment. Niyazov has not only reestablished and strengthened the environment of fear, he has deliberately isolated his country from outside influences. Under his rule, Turkmenistan has no chance of developing normally.

As November 25 approaches, we recall that when a political system centralizes all power in the hands one man, offering no possibilities for participation to anyone else, people may be tempted to change that system by any means. And we have occasion to consider the eternal validity of Lord Acton's dictum: "Power tends to corrupt; absolute power corrupts absolutely."

Unfortunately, the U.S. response to Turkmenistan's blatant disregard for human rights has been shamefully weak. In August, although Turkmenistan violates freedom of emigration by requiring exit visas, the Administration made the astonishing decision to exempt Turkmenistan from Jackson-Vanik requirements on the free movement of citizens.

Our leverage on this particular dictator may be weak but we have opportunities to express our outrage about these ongoing abuses and to align ourselves with the forces of freedom and democracy. In addition to ending the Jackson-Vanik waiver, the State Department should designate Turkmenistan a "Country of Particular Concern" under the International Religious Freedom Act of 1998. The regime's well-documented record of "particularly severe violations of religious freedom" unquestionably meets the statutory threshold envisioned when we passed the Act of "systematic, ongoing, egregious violations of religious freedom."

The United States and the international community must condemn the actions of Niyazov's regime and continue working to bring Turkmenistan back towards civilized and democratic norms. Any other approach betrays our own principles.

#### ON INTRODUCTION OF THE AFRICAN GROWTH AND OPPORTUNITY ACT III

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 21, 2003*

Mr. RANGEL. Mr. Speaker, Today, I am proud to join with Congressman McDERMOTT, Chairman ROYCE, Congressman JEFFERSON, Congressman PAYNE and Congressman NEAL in the House, and Senator LUGAR in the Sen-

ate, in introducing legislation to begin the third phase of the African Growth and Opportunity Act.

It has been almost ten years since a bipartisan group of Members came together to help create a trade and investment framework between our great country and the countries of sub-Saharan Africa.

It has been more than three years since the first phase of that effort became law.

In that short time, the results have been impressive:

In three years, AGOA textile and apparel exports to the United States have doubled, rising from \$570 million in 1999 to \$1.1 billion for 2002. This total comprises 9 percent of all AGOA exports.

AGOA exports now comprise approximately two percent of all U.S. textile and apparel imports—a 100 percent increase from 2000, when AGOA took effect.

Africa's 92 percent export growth rate in textile and apparel products is 10 times that for China, Latin America, Europe and other major textile and apparel exporters.

However, we cannot afford to sit back and admire what we have done. So much remains to be done to fulfill the promise of this important legislation and this important trade program—to fill in the gaps that still exist.

So, today, I join with my colleagues on both sides of the aisle to call upon the House, the Senate and the President to take the next important step to broaden and deepen the commercial and bilateral relationships between the United States and African countries.

We need to ensure that the benefits of AGOA

We need to do this for so many reasons—bringing Africa more and more into the mainstream of the world trading system, strengthening the bilateral ties between the United States and African countries, giving women and men in the poorest countries in the world the chance to earn a fair and decent living so that the seeds of growth and a better life and a middle class society are sewn, rather than the seeds of discontent that we see in some other regions of the world.

To do this, we need to push forward. Specifically, we need to extend the effective date of AGOA, extend the ability of AGOA least developed countries to use fabrics from third countries, and bring under the AGOA framework the important agricultural products that many countries in the region seek to produce and export.

In the agriculture area, Africa's exports have actually *decreased* by 4.5 percent (or \$25 million) since 1999. While duty free treatment will not completely solve the problem caused in part by large domestic support programs in the EU and elsewhere, this step will certainly help.

In other areas, the bill encourages both responsible conservation and responsible development through a provision in support of ecotourism, an area where many African countries have an important natural and comparative advantage that they are seeking to use in a sustainable and responsible way.

I look forward to working with many others on both sides of the aisle who have been so supportive of AGOA I and AGOA II, particularly Chairman BILL THOMAS and Chairman PHIL CRANE of the Trade Subcommittee, Congressman AMO HOUGHTON in the House, and Senator BILL FRIST and others in the Senate,

along with the distinguished African Diplomatic Corps, and so many in the business community to realize our goal.

Finally, we intend this bill to be a starting point, and that as we move forward, we can work with Ambassador Zoellick and his staff, and Secretary Evans and his staff, to improve the legislation to reflect best the development needs of sub-Saharan Africa.

Also hope we can work together on other initiatives to ensure that the poorest countries of the world—such as Haiti and Bangladesh and Cambodia—are not left behind after 2005.

#### INTRODUCTION OF A BILL TO ALLOW FOR PRIORITY IN THE ISSUANCE OF IMMIGRANT VISAS TO SONS AND DAUGHTERS OF FILIPINO WORLD WAR II VETERANS

**HON. ED CASE**

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 21, 2003*

Mr. CASE. Mr. Speaker, I rise today to introduce a bill that will provide for the expedited reunification of the families of our Filipino World War II veterans who have become citizens of the United States.

This body has many times over recognized the courage and commitment of the Filipino troops who fought alongside our armed forces in the Philippines during World War II. In 1990, we provided a waiver from certain naturalization requirements for these veterans, and many thereafter became proud citizens and residents of our country. And this year we appear poised to provide one further long-delayed and long-denied measure of justice by granting them veterans benefits which were unjustly denied to them in 1946.

But a huge gap still remains, for we did not also permit naturalization in 1990 to the children of these same veterans. What my bill does is allow for the sons and daughters of those veterans that became U.S. citizens through the process established in 1990 to have priority in their respective immigration categories.

These are real-life issues, for the stories of families who have waited years to be reunited are heartbreaking. For example, a veteran and his wife living in Hawaii filed immigration petitions for two of their six adult children; they have waited over ten years for a visa to be issued to either. Another veteran petitioned successfully for his wife's immigration visa, but has not been as successful with the applications for their five adult children. Again, this family has been holding on for ten years with the hope that they will one day live in the U.S. as a complete family.

As we all know, our Filipino World War II veterans are entering the sunset years of their lives. We have done what we can to give adequate veterans benefits for their commendable service. I now urge my colleagues to recognize and provide for the reunification of these families of our Filipino World War II veterans by supporting this bill.